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Attorneys for Defendant/Declaratory Judgment Plaintiff
 HERBALIFE INTERNATIONAL, INC.

ADDITIONAL COUNSEL LISTED ON SIGNATURE PAGE

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

UNITHER PHARMA, INC. and
 THE BOARD OF TRUSTEES OF THE
 LELAND STANFORD JUNIOR UNIVERSITY,

Plaintiffs and Counter-Defendants,

v.

HERBALIFE INTERNATIONAL, INC.,

Defendant and Counter-Claimant.

HERBALIFE INTERNATIONAL, INC.

Plaintiff and Counter-Defendant,

v.

UNITHER PHARMA, INC., THE BOARD OF
 TRUSTEES OF THE LELAND STANFORD
 JUNIOR UNIVERSITY, and NEW YORK
 MEDICAL COLLEGE,

Defendants and Counter-Claimants.

Case Nos. C03-5090 JW, C03-5878 JW, and
 Related Case Nos. C02-05284 JW, C03-0415
 JW

**JOINT CASE MANAGEMENT
 STATEMENT AND [PROPOSED] CASE
 MANAGEMENT ORDER**

1 A Case Management Conference is presently scheduled for October 2, 2006 in the related
2 litigations between Unither and Herbalife (Case Nos. C03-5090 JW and C03-5878 JW), and the
3 last date for filing summary judgment motions is presently scheduled for October 30, 2006 with a
4 hearing date calendared for December 11, 2006.

5 The parties have been actively engaged in settlement negotiations, and are currently
6 drafting a definitive agreement. Accordingly, the parties request that the Case Management
7 Conference be taken off calendar, and that the filing and hearing dates for summary judgment
8 motions be continued.

9 Dated: September 12, 2006

FISH & RICHARDSON P.C.

11 By: /s/ Karen I. Boyd
12 Karen I. Boyd

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UNITHER PHARMA, INC. AND THE
BOARD OF TRUSTEES OF THE LELAND
STANFORD JUNIOR UNIVERSITY

1 Dated: September 12, 2006

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Attorneys for HERBALIFE
INTERNATIONAL, INC.

[PROPOSED] CASE MANAGEMENT ORDER

For good cause shown, the Case Management Conference in the above captioned cases, presently scheduled for October 2, 2006, is taken off the calendar and the filing and hearing dates for summary judgment motions are continued.

IT IS SO ORDERED.

The parties shall appear on November 27th, 2006 at 10:00 am for a further Case Management Conference.

DATED: 09/14/2006


The Hon. James Ware
United States District Judge

DECLARATION OF CONSENT

I, Karen I. Boyd, hereby attest:

1. Concurrence in the filing of the following document has been obtained from each of the other signatories, which shall serve in lieu of their signatures on the document:

**JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] CASE
MANAGEMENT ORDER**

2. I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party until one year after final resolution of the action pursuant to General Order 45 of the United States District Court for the Northern District of California.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct. Executed in Redwood City, California on September 12, 2006.

Dated: September 12, 2006

FISH & RICHARDSON P.C.

By: /s/ Karen I. Boyd
Karen I. Boyd

Attorneys for Plaintiffs
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TRUSTEES OF THE LELAND STANFORD
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